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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,172	12/28/2000	Hugo Kroiss	951/49129	2142

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EXAMINER

MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/700,172

Applicant(s)

KROISS ET AL.

Examiner

Eric S. McCall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-16 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 December 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FUEL SUPPLY SYSTEM FOR A MOTOR VEHICLE

FINAL OFFICE ACTION

In response to the Applicant's amendment (paper no. 9) dated Aug. 06, 2002.

INFORMATION DISCLOSURE STATEMENT

✓ The Applicant's comments regarding the information disclosure statement have been noted. The Examiner points out that, to date, no supplemental IDS has been received.

CLAIMS

Objections

✓ The Applicant is advised to add a comma after the word "housing" in line 2 of claims 20 and 21 in order to avoid any confusion in the reading of said claims. The Examiner points out

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that claims 19-21 were objected to for this very reason in the previous office action (May 06, 2002) but only claim 19 was amended.

35 U.S.C. § 112

In response to the Applicant's amendments, the majority of the problems resulting in the rejection of claims 9, 11-19, and 22-28 under 35 U.S.C. 112, second paragraph, as listed in said previous office action have been overcome. However, the following still remain:

Claims 11-15, 17, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

- ✓Claim 11, said claim is indefinite as to the specific location of the pressure regulator;
- ✓Claim 12, said claim is indefinite as to the specific location of the pressure regulator;
- ✓Claim 13, said claim is indefinite as to the specific location of the fuel filter for both sides of the fuel pump can be deemed as a "pressure side"; and
- ✓Claim 15, said claim is indefinite as to the specific location of the fuel filter for both sides of the fuel pump can be deemed as a "pressure side".

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35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

✓ Claims 8-16 and 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bucciet al. (5,647,329).

With regards to claim 8, Bucciet al. teach a fuel system for a motor vehicle with a fuel container (ie. fuel tank) from which a fuel pump (14) transports fuel via fuel pipelines from a system input location in the fuel container via a fuel filter (18) towards an engine,

wherein a deposition tank (56; ie. space between baffle 66 and bottom wall 68 of tank) is formed into a housing of the fuel filter (18) under a filter material (50), which is provided in the housing into which dirt filtered out of the fuel is deposited

[The Examiner points out that in fig. 2 of the prior art, the fuel flows from element 26 down through element 92 into the fuel filter bag 18 and is suck into the inlet 16 of the fuel pump 14 and pushed out through 24 towards the engine. Thus before the fuel travels into the fuel pump inlet 16 it travels through the filter material 50 wherein any dirt will be filtered out and will deposit at the bottom of the filter housing 18 which corresponds to the area between baffle 66 and the bottom wall 68 of the tank)

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wherein a pressure accumulator (26) is installed in the fuel system which accumulates and stores fuel when the engine is running and after the engine is switched off, the fuel stored in the pressure accumulator rinses the fuel filter (col. 10, lines 22-32).

With respect to claim 9, Bucci et al. suggest the claimed subject matter thereof (col. 10, lines 22-32).

With respect to claim 10, the suggestion of a non-return valve in the fuel line (24) after a branch point (96) at which a fuel line leads to the pressure accumulator (26) is inherently taught due to the fuel line being separate from a fuel return line in order to prevent fuel from returning through the fuel feed line (24) and thus the reasoning for having a fuel return line.

With respect to claims 11 and 12, Bucci et al. suggest a pressure regulator (22) as best understood to be claimed.

With respect to claims 13-16, Bucci et al. suggest a fuel filter as best understood to be claimed.

With respect to claims 20 and 21, Bucci et al. teach "guide vanes" (66) as is claimed.

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With respect to independent claim 22, said claim parallels that of claim 8. Thus, the Applicant's attention is directed to the above comments regarding claim 8.

With respect to claims 23-27, Bucci et al. suggest the claimed subject matter, as best understood, thereof.

With respect to independent claim 28, said claim parallels that of claim 8. Thus, the Applicant's attention is directed to the above comments regarding claim 8.

Allowable Subject Matter

Claims 17 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

The Applicant's arguments pertaining to independent claims 8 and 22 have been considered but have not been found to be persuasive.

First, the Applicant has argued that the prior art, Bucci et al., do not teach a deposition tank that is formed into a housing of the fuel filter under filter material provided in the housing into which dirt filtered out of the fuel is deposited.

In response, the Examiner contends that the baffle (66) in combination with the bottom of the fuel filter envelope (18) establishes an area (56) between the baffle and the bottom of the fuel filter envelope which is deemed as a "deposition tank that is formed into a housing".

In the prior art, the fuel within the fuel tank (12) (including any fuel from the canister, 26) is sucked through the filter envelope (18) (in the case of the fuel in the canister, 26, the fuel passes through filter, 92, as well) into the inlet (16) of the fuel pump (14) and sent to the engine through the fuel line (24). As fuel is sucked out of the fuel tank and into the inlet (16) of the fuel pump, the fuel passes from inside the envelope through the filter (18) and into the inlet (16). The Examiner points out that not all the fuel entering the fuel pump is coming from accumulator (26).

Therefore, any dirt in the fuel (while the dirty fuel is within the envelope) at this point will be filtered (18) from the fuel before entering the inlet (16) and fall through the baffle (66) and deposit under the baffle in the area (56) which is deemed as the deposition tank.

Second, the Applicant has argued that the prior art, Bucci et al., do not teach rinsing the filter as claimed. In response, col. 10, lines 22-32 clearly points out, fuel from the "pressure

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accumulator” when the engine is shut-off rinses the fuel filter (18). The Examiner points out that the Applicant has never claimed what direction the filter must be rinsed, what direction the dirt travels upon rinsing the filter, and where the dirt goes upon rinsing the filter, etc. as the Applicant’s arguments center around, for the Applicant has only claimed that the filter is rinsed.

For example, the Applicant has argued that in the prior art, dirt on the exterior surface of the filter is washed back into the fuel tank and not into the deposition tank. However, the Examiner points out that never has the Applicant claimed that the dirt is washed into the deposition tank during the rinsing of the fuel filter.

Furthermore, the Applicant’s arguments pertain to the Examiner’s rejection which centers around that of claim 8. The Examiner points out that claim 8 is comprised of only two main limitations wherein the limitations are directed to the filtering of the fuel and the rinsing of the fuel filter. However, the limitations are claimed as two separate distinct limitations not requiring the particulars of the other. For instance, nothing in claim 8 pertaining to the rinsing of the fuel filter requires the deposition tank and nothing requires the fuel pass from the pressure accumulator before entering the fuel pump.

As such, the Applicant’s claims do not distinguish over the prior art teaching as applied in the above rejection.


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CONCLUSION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.


Eric S. McCall
Primary Examiner
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Oct. 01, 2002